

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
Courtroom 6C Calendar**

Monday, January 10, 2022

Hearing Room

6C

9:00 AM

8:18-11446 Peggy McWilliams Lawson and George Morris Lawson

Chapter 13

#1.00

Motion for relief from stay [Real Property]

Reverse Mortgage Funding LLC vs DEBTORS
(Motion filed 12-8-21)

[5921 Amberdale Drive, Yorba Linda, California 92886]

Docket 89

Tentative Ruling:

APPEARANCES REQUIRED.

Deny without prejudice. Movant has failed to show that it is not adequately protected.

COURT TO PREPARE ORDER.

Party Information

Debtor(s):

Peggy McWilliams Lawson

Represented By
Douglas L Weeks

Joint Debtor(s):

George Morris Lawson

Represented By
Douglas L Weeks

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Courtroom 6C Calendar**

Monday, January 10, 2022

Hearing Room

6C

9:00 AM

8:19-14538 Sean Williams and Beverly Williams

Chapter 13

#2.00

Motion for relief from stay [Real Property]

Wilmington Trust National Association vs DEBTORS
(Motion filed 12-14-21)

[RE: 23331 La Glorieta Apt. E, Mission Viejo, CA 92691-2868]

[Tele. appr., Luke D. Jackson, repr., Debtor]

[Tele. appr., Darlene C. Vigil, repr., Wilmington Trust, National Association, Creditor]

Docket 130

Tentative Ruling:

APPEARANCES REQUIRED.

The motion is granted pursuant to 11 U.S.C. §§ 362(d)(1) to permit movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the subject property in accordance with applicable law, *unless* the debtor pays all arrearages in full on or before the hearing date on this matter. Movant may not pursue any deficiency claim against the debtor or the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The 14-day stay provided by Rule 4001(a)(3) is waived.

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Sean Williams

Represented By

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
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Monday, January 10, 2022

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6C

9:00 AM

CONT... Sean Williams and Beverly Williams

Chapter 13

Nima S Vokshori

Joint Debtor(s):

Beverly Williams

Represented By
Nima S Vokshori

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
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Monday, January 10, 2022

Hearing Room

6C

9:00 AM

8:20-10723 Manuel Enrique Berumen and Tiffany Marie Brown

Chapter 13

#3.00

CONT'D Motion for relief from stay [Real Property]

U.S. Bank National Association vs DEBTORS
(Motion filed 10-19-21)

[RE: 7037 Cabot Way, Stanton, CA 90680]

FR: 11-22-21; 12-6-21

Docket 55

***** VACATED *** REASON: OFF CALENDAR - ORDER APPROVING
ADEQUATE PROTECTION AGREEMENT ENTERED 1-4-2022
(DOCKET NO. 67).**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Manuel Enrique Berumen

Represented By
Bert Briones

Joint Debtor(s):

Tiffany Marie Brown

Represented By
Bert Briones

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Monday, January 10, 2022

Hearing Room

6C

9:00 AM

8:21-11424 Steven J. Williams

Chapter 13

#4.00

Motion for relief from stay [Real Property]

NewRez LLC d/b/a Shellpoint Mortgage Servicing vs DEBTOR
(Motion filed 11-30-21)

[RE: 16361 Fellows Drive, Orange Area, California 92665]

[Tele. appr., Chad Butler, repr., NewRez LLC, Creditor]

Docket 38

Tentative Ruling:

APPEARANCES REQUIRED.

The motion is granted pursuant to 11 U.S.C. §§ 362(d)(1) to permit movant, its successors, transferees and assigns, to enforce its remedies to foreclose upon and obtain possession of the subject property in accordance with applicable law, *unless* the debtor pays all arrearages in full on or before the hearing date on this matter. Movant may not pursue any deficiency claim against the debtor or the estate except by filing a proof of claim pursuant to 11 U.S.C. § 501.

The 14-day stay provided by Rule 4001(a)(3) is waived.

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Steven J. Williams

Represented By
James D. Hornbuckle

**United States Bankruptcy Court
Central District of California
Santa Ana
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6C

9:00 AM

CONT... Steven J. Williams

Chapter 13

Trustee(s):

Amrane (SA) Cohen (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
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Monday, January 10, 2022

Hearing Room

6C

9:00 AM

8:21-12001 Joseph L Sanders

Chapter 7

#5.00

Motion for relief from stay [Personal Property]

Partners Federal Credit Union vs DEBTOR
(Motion filed 12-13-21)

[RE: 2010 MERCEDES BENZ S CLASS - VIN No.: WDDNG7BB2AA341765]

[Tele. appr., Yuri Voronin, repr., Partners Credit Union, Creditor]

Docket 76

Tentative Ruling:

APPEARANCES REQUIRED.

Deny without prejudice. Movant is adequately protected at this time (and may remain so for at least another 2 to 3 months based upon an equity cushion of \$3,534 - approximately 6 monthly payments of \$581.84 each).

COURT TO PREPARE ORDER.

Party Information

Debtor(s):

Joseph L Sanders

Represented By
Todd J Cleary

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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Monday, January 10, 2022

Hearing Room

6C

9:00 AM

8:21-12162 Sepideh Sally Cirino

Chapter 11

#6.00

Motion for relief from stay [Real Property]

Wells Fargo Bank, N.A. vs DEBTOR
(Motion 12-14-21)

[RE: 27495 Hidden Trail Rd., Laguna Hills, CA 92653]

Docket 29

***** VACATED *** REASON: OFF CALENDAR - ORDER
CONTINUING HEARING TO FEBRUARY 7, 2022 AT 9:00 AM ENTERED
ON 12-22-21 (DOCKET NO. 33).**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Sepideh Sally Cirino

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
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6C

9:00 AM

8:21-12326 Chad P. Law

Chapter 7

#7.00

Motion for relief from stay [Action In Non-Bankruptcy Forum]

Samarian Products, LLC vs DEBTOR
(Motion filed 12-8-21)

[RE: Case Name: Samarian Products LLC vs Lauree LLC, et al.]
[Docket Number: 30-2020-01167397-CU-FR-CJC]
[Pending In: California Superior Court, County of Orange, Central Justice Center]

[Tele. appr., Anerio Altman, repr., Debtor]

[Tele. appr., Alexander Haberbush, repr., Samarian Products, Creditor]

Docket 9

Tentative Ruling:

APPEARANCES REQUIRED.

Grant, for reasons of overall judicial economy in both this Court and the state court, and Debtor's failure to show prejudice for the granting of the motion.

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Chad P. Law

Represented By
Joseph M Tosti

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
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Monday, January 10, 2022

Hearing Room

6C

9:00 AM

CONT... Chad P. Law

Chapter 7

Trustee(s):

Karen S Naylor (TR)

Pro Se

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
Courtroom 6C Calendar**

Monday, January 10, 2022

Hearing Room

6C

2:00 PM

8:17-10699 Sen Hieu Phung

Chapter 7

#1.00

Hearing RE: Trustee's Final Report And Applications For Compensation And Reimbursement Of Expenses
(Final Report filed 11-30-21)

**[RE: Jeffrey I. Golden, Chapter 7 Trustee]
[Fees: \$10,000.00; Expenses: \$297.45]**

**[RE: Weiland Golden Goodrich LLP, Trustte's Attorney]
[Fees: \$24,965.00; Expenses: \$60.20]**

**[RE: Hahn Fife & Company LLP, Accountant]
[Fees: \$4,545.00; Expenses: \$645.60]**

Docket 142

Tentative Ruling:

APPEARANCES REQUIRED.

The Court will inquire why the Trustee is proposing to pay general unsecured creditors ahead of paying professionals holding administrative expense claims.

Party Information

Debtor(s):

Sen Hieu Phung

Represented By
Jeffrey J Hagen

Trustee(s):

Jeffrey I Golden (TR)

Represented By
Jeffrey I Golden
Reem J Bello

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
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Monday, January 10, 2022

Hearing Room 6C

2:00 PM

8:19-14489 Luis Daniel Ochoa

Chapter 11

#2.00

Hearing RE: U.S. Trustee Motion to dismiss or convert Case To One Under Chapter 7 Pursuant To 11 U.S.C. § 1112(B)
(Motion filed 11-24-21)

Docket 145

***** VACATED *** REASON: OFF CALENDAR - VOLUNTARY
DISMISSAL OF MOTION FILED 12-10-21 (DOCKET NO. 155).**

Tentative Ruling:

- NONE LISTED -

Party Information

Debtor(s):

Luis Daniel Ochoa

Represented By
Anerio V Altman

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
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Monday, January 10, 2022

Hearing Room

6C

2:00 PM

8:19-14836 Benigno Flores Garcia and Angelica Garcia

Chapter 7

#3.00

Hearing RE: Trustee's Final Report And Applications For Compensation And Reimbursement Of Expenses
(Final Report filed 12-9-21)

[RE: Weneta M.A. Kosmala, Chapter 7 Trustee]

[Fees: \$525.00; Expenses: \$89.70]

[RE: Shulman Hodges & Bastian LLP, Attorney for Trustee]

[Fees: \$5837.55; Expenses: \$935.96]

Docket 53

Tentative Ruling:

APPEARANCES NOT REQUIRED.

In a case under chapter 7 or 11, the court may allow reasonable compensation under § 330 to the trustee for the trustee's services, payable after the trustee renders such services, not to exceed 25% on the first \$5,000 or less, 10% on any amount in excess of \$5,000 but not in excess of \$50,000, 5% on any amount in excess of \$50,000 but not in excess of \$1,000,000, and reasonable compensation not to exceed 3% of such moneys in excess of \$1,000,000, upon all moneys disbursed or turned over in the case by the trustee to parties in interest, excluding the debtor, but including holders of secured claims. 11 U.S.C. § 326(a).

The Court finds that the Trustee's requested compensation meets the requirements of 11 U.S.C. § 326(a) and represents reasonable compensation for actual, necessary services rendered in the administration of this estate.

The compensation is approved as to the Trustee, with fees in the amount of \$523.00 and expenses in the amount of \$89.70.

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CONT... Benigno Flores Garcia and Angelica Garcia

Chapter 7

The compensation is approved as to Shulman Hodges & Bastian LLP, with fees in the amount of \$5,837.55 and expenses in the amount of \$935.96.

CHAPTER 7 TRUSTEE TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Benigno Flores Garcia

Represented By
Jayson M Aquino

Joint Debtor(s):

Angelica Garcia

Represented By
Jayson M Aquino

Trustee(s):

Weneta M.A. Kosmala (TR)

Represented By
Lynda T Bui
Rika Kido

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Central District of California
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Monday, January 10, 2022

Hearing Room

6C

2:00 PM

8:21-10398 Melissa Shores

Chapter 7

#4.00

Hearing RE: Trustee's Motion to Approve Compromise
(Motion filed 11-30-21)

[Tele. appr., Laila Masud, repr., Richard A. Marshack, Trustee]

Docket 29

Tentative Ruling:

APPEARANCES REQUIRED.

Grant, for the reasons argued in the motion.

CHAPTER 7 TRUSTEE TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Melissa Shores

Represented By
Thomas J Polis

Trustee(s):

Richard A Marshack (TR)

Represented By
D Edward Hays
Laila Masud

**United States Bankruptcy Court
Central District of California
Santa Ana
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Monday, January 10, 2022

Hearing Room

6C

2:00 PM

8:20-13014 Northern Holding, LLC

Chapter 7

#5.00

Hearing RE: Motion to Approve Compromise and Subordination Agreement with Farm Credit West, FCLA, re: Distribution of Proceeds for Sale of Real Property Collateral, Waiver of Surcharge Claims for Consideration (Motion filed 12-20-21)

[Tele. appr., Tinho Mang, repr., Richard A. Marshack, Trustee]

Docket 264

Tentative Ruling:

APPEARANCES REQUIRED.

Grant, for the reasons argued by the Chapter 7 Trustee.

CHAPTER 7 TRUSTEE TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Northern Holding, LLC

Represented By

Matthew D. Resnik

Roksana D. Moradi-Brovia

Trustee(s):

Richard A Marshack (TR)

Represented By

D Edward Hays

Tinho Mang

Kristine A Thagard

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
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Monday, January 10, 2022

Hearing Room

6C

2:00 PM

8:20-13552 Tony C. Hang

Chapter 7

#6.00

Hearing RE: Trustee's Final Report And Applications For Compensation And Reimbursement Of Expenses
(Final Report filed 11-30-21)

**[RE: Karen Sue Naylor, Chapter 7 Trustee]
[Fees: \$2,087.80; Expenses: \$224.83]**

**[RE: Hahn Fife & Company, LLP, Accountant]
[Fees: \$1,000.00; Expenses: \$0.00]**

**[RE: Ringstad & Sanders LLP, Special Counsel]
[Fees: \$3,500.00; Expenses: \$0.00]**

Docket 47

Tentative Ruling:

APPEARANCES NOT REQUIRED.

In a case under chapter 7 or 11, the court may allow reasonable compensation under § 330 to the trustee for the trustee's services, payable after the trustee renders such services, not to exceed 25% on the first \$5,000 or less, 10% on any amount in excess of \$5,000 but not in excess of \$50,000, 5% on any amount in excess of \$50,000 but not in excess of \$1,000,000, and reasonable compensation not to exceed 3% of such moneys in excess of \$1,000,000, upon all moneys disbursed or turned over in the case by the trustee to parties in interest, excluding the debtor, but including holders of secured claims. 11 U.S.C. § 326(a).

The Court finds that the Trustee's requested compensation meets the requirements of 11 U.S.C. § 326(a) and represents reasonable compensation for actual, necessary services rendered in the administration of this estate.

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2:00 PM

CONT...

Tony C. Hang

Chapter 7

The compensation is approved as to the Trustee, with fees in the amount of \$2,087.80 and expenses in the amount of \$224.83.

The compensation is approved as to Ringstad & Sanders LLP, with fees in the amount of \$3,500.00 and expenses in the amount of \$0.00.

The compensation is approved as to Hahn Fife & Company, with fees in the amount of \$1,000.00 and expenses in the amount of \$0.00.

CHAPTER 7 TRUSTEE TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Tony C. Hang

Represented By
Tina H Trinh

Trustee(s):

Karen S Naylor (TR)

Represented By
Ashley M Teesdale

**United States Bankruptcy Court
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Monday, January 10, 2022

Hearing Room 6C

2:00 PM

8:20-11329 Ilyas M. Chaudhary

Chapter 11

#7.00

Hearing RE: Debtor's Motion to Dismiss the Chapter 11 Case
(Motion filed 12-20-21)

[Tele. appr., Michael Hauser, repr., U.S. Trustee]

[Tele. appr., Kevin Tang, repr., Debtor]

Docket 120

Tentative Ruling:

APPEARANCES REQUIRED.

Grant for the reasons argued by Debtor and dismiss this case.

DEBTOR TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Ilyas M. Chaudhary

Represented By
Kevin Tang

**United States Bankruptcy Court
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Monday, January 10, 2022

Hearing Room 6C

2:00 PM

8:21-12064 Susan Jo White

Chapter 7

#8.00

Hearing RE: Motion to Dismiss Chapter 7 Case Pursuant to Section 707(b)(2) & (3)
(Motion filed 11-30-21)

Docket 73

Tentative Ruling:

APPEARANCES NOT REQUIRED.

Judge Wallace has recused himself from this case. The hearing is continued to February 23, 2022 at 10:00 a.m. to permit the case to be reassigned and the hearing rescheduled.

COURT TO PREPARE ORDER CONTINUING THE HEARING.

Party Information

Debtor(s):

Susan Jo White

Represented By
Bill Parks
Bill J Parks

Trustee(s):

Jeffrey I Golden (TR)

Pro Se

**United States Bankruptcy Court
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2:00 PM

8:21-12653 Thomas Bruce Miller

Chapter 11

#9.00

Hearing RE: Motion for Order Re: Convert the Debtors Chapter 11 Subchapter V Case to an Ordinary Chapter 11 Case or Chapter 7 Bankruptcy Case (Motion filed 12-19-21)

[Tele. appr., Nancy Goldenberg, repr., U.S. Trustee]

[Tele. appr., Thomas J. Polis, repr., Deborah Wilkinson, Creditor]

Docket 36

Tentative Ruling:

APPEARANCES NOT REQUIRED.

The Court will continue the hearing on this motion to April 27, 2022 at 10:00 a.m. to give the Debtor an opportunity to file a plan providing for the liquidation of his rental real estate.

COURT TO PREPARE ORDER.

Party Information

Debtor(s):

Thomas Bruce Miller

Represented By
Michael Jones

Trustee(s):

Robert Paul Goe (TR)

Pro Se

**United States Bankruptcy Court
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Monday, January 10, 2022

Hearing Room

6C

2:00 PM

8:21-10026 Ardeshir Farokhirad and Fariba Farokhirad

Chapter 7

#10.00

Hearing RE: Motion of Chapter 7 Trustee for Approval of Zoom Auction Bidding Procedures for Trustee's Sale of Real Property Located at 38 Cielo Azul, Mission Viejo, CA 92692
(Motion filed 12-17-21)

[Tele. appr., Thomas H. Casey, repr., Trustee]

[Tele. appr., Daren M. Schlechter, repr., Swift Financial LLC, Creditor]

[Tele. appr., Darlene C. Vigil, repr., North American Savings Bank, Creditor]

[Tele. appr., Anerio Altman, repr., Interested Party - Listen Only]

Docket 230

Tentative Ruling:

APPEARANCES REQUIRED.

The Court will grant the motion upon the terms and conditions specified by North American Savings Bank.

CHAPTER 7 TRUSTEE TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Ardeshir Farokhirad

Represented By
Andrew Edward Smyth
Stephen S Smyth

**United States Bankruptcy Court
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2:00 PM

CONT... Ardeshir Farokhirad and Fariba Farokhirad

Chapter 7

Joint Debtor(s):

Fariba Farokhirad

Represented By
Andrew Edward Smyth

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey

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Hearing Room 6C

2:00 PM

8:21-10026 Ardeshir Farokhirad and Fariba Farokhirad

Chapter 7

#11.00

Hearing RE: Motion to Further Extend Deadline to File Complaint to Determine Dischargeability of Debts Pursuant to 11 U.S.C. Section 523 and Objections to Discharge Pursuant to 11 U.S.C. Section 727
(Motion filed 12-20-21)

[Tele. appr., Thomas H. Casey, repr., Trustee]

[Tele. appr., Daren M. Schlechter, repr., Swift Financial LLC, Creditor]

[Tele. appr., Darlene C. Vigil, repr., North American Savings Bank, Creditor]

[Tele. appr., Anerio Altman, repr., Interested Party - Listen Only]

Docket 235

Tentative Ruling:

APPEARANCES REQUIRED.

The Court will grant the motion and extend the deadline to July 31, 2022. The Court finds by clear and convincing evidence that Mr. Farokhirad has refused to cooperate in consensual document production. Such non-cooperation constitutes good cause to grant the extension.

MOVANT TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

Debtor(s):

Ardeshir Farokhirad

Represented By
Andrew Edward Smyth
Stephen S Smyth

**United States Bankruptcy Court
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CONT... Ardeshir Farokhirad and Fariba Farokhirad

Chapter 7

Joint Debtor(s):

Fariba Farokhirad

Represented By
Andrew Edward Smyth

Trustee(s):

Thomas H Casey (TR)

Represented By
Thomas H Casey

**United States Bankruptcy Court
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Monday, January 10, 2022

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6C

2:00 PM

8:11-20448 Yan Sui

Chapter 7

#12.00

CONT'D Hearing RE: Motion for Order: 1. Establishing That Trustee and his Retained Professionals Cannot be Sued Absent Compliance with The Barton Doctrine; and 2. Retaining Jurisdiction After Case Closing (Motion filed 11-22-21)

FR: 12-13-21; 12-20-21

[Tele. appr., Chad V. Haes, repr., Richard A. Marshack, Trustee]

Docket 677

Tentative Ruling:

APPEARANCES REQUIRED.

The Court will grant in part and deny in part the Trustee's motion. The Trustee has made a sufficient showing that the *Barton Doctrine* bans lawsuits against bankruptcy trustees in any state court. *Barton v. Barbour*, 104 U.S.126 (1881); *Beck v. Fort James Corp. (In re Crown Vantage, Inc.)*, 421 F.3d 963 (9th Cir. 2003). The Court will overrule the objections to exhibits attached to Mr. Sui's opposition. The Court believes the documents are authentic and admissible under Federal Rule of Evidence 901(b)(4) (distinctive characteristics).

However, this Court seriously doubts that it possesses the requisite constitutional authority to bar Mr. Sui from commencing a lawsuit against the Trustee in a United States District Court. It seems unlikely that an Article One Court, consistent with the dictates of Article Three of the Constitution of the United States, can prevent an individual from taking action in an Article Three Court. Therefore, the Court denies that portion of the Trustee's motion requesting an order barring Mr. Sui from suing the Trustee in a United States District Court.

CHAPTER 7 TRUSTEE TO LODGE ORDER VIA LOU WITHIN 7 DAYS.

Party Information

**United States Bankruptcy Court
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CONT... Yan Sui

Chapter 7

Debtor(s):

Yan Sui

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
David M Goodrich
Martina A Slocomb
Chad V Haes
Jess R Bressi
D Edward Hays

**United States Bankruptcy Court
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Monday, January 10, 2022

Hearing Room

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2:00 PM

8:11-20448 Yan Sui

Chapter 7

#12.10

Hearing RE: Rule 9024 Relief from Sale Order; Motion for Leave to Sue at District Court in Lieu of Stealing
(Motion filed 11-29-21)

[Tele. appr., Chad V. Haes, repr., Richard A. Marshack, Trustee]

Docket 682

Tentative Ruling:

APPEARANCES REQUIRED.

Yan Sui ("Mr. Sui") filed a voluntary chapter 7 petition on July 27, 2011. Richard Marshack was appointed as Chapter 7 Trustee (the "Trustee"). After much litigation, the Trustee recovered for the benefit of the bankruptcy estate real property located at 2176 Pacific Avenue #C, Costa Mesa, California (the "Property"). U.S. Marshals delivered possession of the Property to the Trustee under the authority of writs of assistance and a writ of possession on January 22, 2015. It appears that tenants of the Property were evicted on or about that date. Over opposition, this Court granted a sale motion brought by the Trustee. It appears the Property was sold on or about July 17, 2015 in a transaction that generated net proceeds of \$329,093.43 for the bankruptcy estate.

On June 30, 2016, this Court entered an Order Granting Motion for Entry of Amended Pre-Filing Order, Docket No. 487 (the "Prefiling Order") prohibiting Mr. Sui and Pei-Yu Yang from filing any pleading which repeats or attempts to relitigate an issue of fact or law previously raised by them and which was actually and necessarily decided against them in a previous order or judgment which has become final and is not subject to appeal.

Now before the Court is Mr. Sui's Notice of Motion and Rule 9024 Relief From Sale Order; Motion for Leave to Sue at District Court In Lieu of Stealing (the "Motion"). In the Motion, Mr. Sui alleges that (1) the Prefiling Order is void because the Court

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CONT...

Yan Sui

Chapter 7

did not have jurisdiction to enter it, and (2) the sale of the Property constitutes theft (i.e., stealing), at least in part because Mr. Sui's bankruptcy estate was a surplus estate, and there was no need or legitimate business purpose to sell the Property. Accordingly, Mr. Sui asks the Court to grant him the following relief: enter an order (a) finding that the sale of the Property was improper; (2) directing the Trustee to pay compensatory and punitive damages caused by the allegedly wrongful sale of the Property; (3) directing the Trustee to pay Krusey all expenses necessary to vacate the Property; (4) granting leave to Mr. Sui to sue the Trustee and his attorneys in United States District Court in light of the fact that this Court lacks jurisdiction over criminal matters and (5) granting any other relief that is fair and just.

The Trustee opposes the Motion, arguing that the Prefiling Motion is a final order and is non-appealable and that the Prefiling Motion bars the filing of the Motion by its terms because "Debtor has also already raised and lost his argument that the 'sale of the house is a steal.'" Opposition at page 6 of 36 at line 15.

Although the Prefiling Order is final and non-appealable, it nevertheless remains the case that orders entered by a court lacking jurisdiction over a matter – which Mr. Sui alleges here – is void and can be set aside. *Coil Co., Inc. v. Weather-Twin Corp.*, 539 F. Supp. 464 (S.D.N.Y. 1982). However, Mr. Sui has failed to make a sufficient showing that this Court lacked jurisdiction to enter the Prefiling Order. Certainly, this Court possessed personal jurisdiction over Mr. Sui in light of the fact that he filed a voluntary chapter 7 petition. Regarding subject matter jurisdiction, this Court has jurisdiction over bankruptcy cases referred to it by the United States District Court. The Prefiling Order appears to have been issued under the authority of 11 U.S.C. § 105(a), which empowers the Court to "issue any order, process or judgment that is necessary or appropriate to carry out the provisions of this title." Based upon this analysis, the Court denies without prejudice that part of the Motion asking the Court to determine that the Prefiling Order is void.

Mr. Sui asks the Court to determine that the sale of the Property was improper and for related relief. Before the Court can entertain such a request, the Court would need to first determine that the relief sought by Mr. Sui is not barred by the

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
Courtroom 6C Calendar**

Monday, January 10, 2022

Hearing Room

6C

2:00 PM

CONT... Yan Sui

Chapter 7

Prefiling Order. The burden is on Mr. Sui to show that the Prefiling Order does not bar further litigation concerning the propriety of the Property's sale, and he has not met this burden in the Motion. Accordingly, the Court cannot at this time grant such relief.

The Prefiling Motion applies to the filing of pleadings by Mr. Sui in this Court. It does not apply to the filing of pleadings in courts other than the United States Bankruptcy Court for the Central District of California. For example, it seems highly unlikely that this Court would possess the authority to bar Mr. Sui from filing a pleading in a United States District Court. An Article One court, such as this Court, very likely is constitutionally prohibited from entering an order that would bar a person or entity from filing a pleading in an Article Three Court. Therefore, the Court does not believe that Mr. Sui needs any authorization from this Court to file a pleading in the United States District Court for the Central District of California. The Court would note, however, that other rules of law, for example, the *Barton* doctrine, may preclude Mr. Sui from suing the Trustee in a state or federal court.

The Court grants Mr. Sui's request for judicial notice as to items 1, 2, 3, 4 and 9. The Court sustains the Trustee's evidentiary objections to items 5, 6, 7 and 8 on the ground that emails are not eligible for judicial notice. However, the Court will admit items 5, 6, 7 and 8 into evidence. Federal Rule of Evidence 901(b)(4).

Party Information

Debtor(s):

Yan Sui

Pro Se

Trustee(s):

Richard A Marshack (TR)

Represented By
David M Goodrich
Martina A Slocomb
Chad V Haes
Jess R Bressi
D Edward Hays

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
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Central District of California
Santa Ana
Judge Mark Wallace, Presiding
Courtroom 6C Calendar**

Monday, January 10, 2022

Hearing Room

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2:00 PM

8:20-13335 Heartwise, Inc.

Chapter 11

#13.00

Hearing RE: Creditor Vitamins Online, Inc.s Motion To Quash Subpoenas
Served By Magleby Cataxinos & Greenwood
(Motion filed 12-10-21)
(Set per Order entered 12-17-21)

[Tele. appr., Dean G. Rallis, repr., Vitamins Online, Inc., Creditor]

**[Tele. appr., Jeffrey Shields, repr., Maglevy Cataxinos and Greenwood,
Creditor]**

[Tele. appr., Mark F. Foley, repr., DavidPaul Doyle, Interested Party]

[Tele. appr., Chad Nydegger, repr., Vitamins Online, Creditor]

Docket 615

Tentative Ruling:

APPEARANCES REQUIRED.

No tentative ruling.

Party Information

Debtor(s):

Heartwise, Inc.

Represented By
RONALD CLIFFORD

**United States Bankruptcy Court
Central District of California
Santa Ana
Judge Mark Wallace, Presiding
Courtroom 6C Calendar**

Monday, January 10, 2022

Hearing Room

6C

2:00 PM

8:20-13335 Heartwise, Inc.

Chapter 11

#14.00

CONT'D STATUS CONFERENCE Hearing RE: (1) Status Of Chapter 11 Case;
And (2) Requiring Report On Status Of Chapter 11 Case
(Petition filed 12-4-20)

FR: 2-10-21, 4-7-21; 5-12-21; 7-14-21; 7-21-21; 11-3-21; 11-10-21; 12-13-21

Docket 1

***** VACATED *** REASON: OFF CALENDAR - ORDER
CONTINUING STATUS CONFERENCE JANUARY 24, 2022 AT 2:00 PM
ENTERED 12-20-21 (DOCKET NO. 663).**

Tentative Ruling:

Party Information

Debtor(s):

Heartwise, Inc.

Represented By
RONALD CLIFFORD